

# **Bond Case Briefs**

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## **MUNICIPAL ORDINANCE - PENNSYLVANIA**

### **Firearm Owners Against Crime v. City of Harrisburg**

**Commonwealth Court of Pennsylvania - September 12, 2019 - A.3d - 2019 WL 4308651**

Firearm rights organization and gun owners brought action for declaratory and injunctive relief against city and against mayor and police chief in their individual capacities, seeking to strike down firearms regulation ordinances that included criminal penalties.

Defendants removed action to federal court and moved to dismiss. The United States District Court for the Middle District of Pennsylvania determined it lacked subject matter jurisdiction and remanded to state court. Defendants filed preliminary objection to dismiss for lack of standing, failure to state a claim, and official immunity. The Court of Common Pleas overruled preliminary objection by firearm rights organization and gun owners that official immunity could not be raised by preliminary objection and, in subsequent order, dismissed complaint for lack of standing. Firearm rights organization and gun owners appealed.

The Commonwealth Court held that:

- Gun owners had substantial, direct, and immediate interest in firearm discharge, possession within city parks, and lost and stolen firearm reporting ordinances;
- Gun owners lacked standing to challenge validity of ordinance applying only in states of emergency;
- Firearm rights organization had associational standing to challenge validity of ordinance applying to minors;
- City failed to establish that firearm rights organization's status as a political action committee (PAC) deprived it of capacity to sue;
- Gun owners were not required to allege they violated, planned to violate, or were prosecuted for violating ordinances to have standing to challenge ordinances' validity, overruling *National Rifle Association v. City of Philadelphia*, 977 A.2d 78, and *National Rifle Association v. City of Pittsburgh*, 999 A.2d 1256; and
- Gun owners lacked taxpayer standing to challenge ordinance applying only in states of emergency.